



**WASHINGTON PLANNING BOARD  
AGENDA  
Regular Scheduled Meeting  
Tuesday, March 26, 2013  
7:00 PM**



**I. Opening of the meeting**

**II. Invocation**

**III. Roll call**

**IV. Old Business**

1. Non-Residential Building Standards - Draft

**V. New Business**

1. A request has been made by Mr. William F. Sheppard to rezone 6 parcels (.987 acres) of property located off West 10<sup>th</sup> Street & Hackney Avenue. The property is currently zoned RA20 (Residential Agricultural) and RMF (Residential Multi-Family) and the request is to rezone the property to B-2 (General Business).

2. A request has been made that the Department of Planning and Development evaluate a text amendment to revise a portion of Article XVI Signs, Section 40-417 Miscellaneous Restrictions and Prohibitions on Portable Signs of the Code of the City of Washington.

**VI. Other Business - Discussion**

1. Comprehensive Plan
2. Unified Development Ordinance

**VII. Approval of Minutes – January 22, 2013**

**VIII. Adjourn**

# **Old Business Non-Residential Building Standards**

## **Non-Residential Building or Structure Code**

G.S. 160A-439 allows cities and towns to establish minimum nonresidential standards that address conditions that are “dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings and structures.” Such an ordinance may provide, upon evidence of a violation, notice, and a hearing before a public officer, that the local government order the owner of a noncompliant building to repair, alter, or improve it or to vacate and close it for any use. The order may require the owner to remove or demolish a noncompliant building if the cost to improve it would exceed fifty percent (50%) of its value. The statute contains special provisions if the noncompliant building is designated as a local historic landmark, is listed in the National Register of Historic Places or is within in a locally designated historic district or an historic district listed in the National Register of Historic Places. There are also special provisions that apply to vacant manufacturing and industrial warehouse facilities. If noncompliance continues, the local government may arrange for a building to be repaired, altered, or improved, vacated and closed, or demolished and removed. The local government may place a lien on the property to recover expenses it incurs from repairing, demolishing, removing, etc., a noncompliant building. The local government may also impose a civil penalty for violation of a nonresidential property maintenance ordinance. In cases where owners vacate and close noncompliant buildings but later abandon their intent to repair them, G.S. 160A-439 contains a procedure under which local governments may take further action to have the buildings repaired or demolished and removed after a certain period of time (two years for most nonresidential buildings and five years for vacant manufacturing or industrial warehouse facilities).

## **ARTICLE VI. NONRESIDENTIAL BUILDING OR STRUCTURE STANDARDS**

### **Sec. 6-160. Title**

This article shall be known and may be cited and referred to as the "Nonresidential Building or Structure Standards" of the City of Washington and may be referred to in this article as "this article".

### **Sec. 6-161. Purpose.**

In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this article to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. 160A-439. This article provides for the repair, vacating and closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

### **Sec. 6-162. Applicability and Compliance.**

(A) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the city.

(B) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not the building or structure shall have been constructed, altered or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building or structure, equipment or facilities contained therein.

### **Sec. 6-163. Definitions.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Abandoned structure.* Any structure, whether designed and intended for residential or other uses, which is vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the director to be unsafe based upon the standards as set forth in this article.

*Basic structural elements.* The parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

*Building.* Any structure, place or any other construction built for the shelter or enclosure of persons, animals, chattels or property of any kind or any part of the structure, shelter or property.

*Building, accessory.* A detached subordinate building located on a lot, parcel or tract whose use is incidental to that of the principal building. A building cannot be considered accessory unless it accompanies a principal building on the same lot, parcel or tract.

*Code Enforcement officer.* A city code enforcement officer, building inspector, fire code inspector, or other employee designated by the City Manager to enforce the provisions of this article.

*Nonresidential.* Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

*Occupant.* Any person who is a tenant or has actual possession of a nonresidential building or structure or part thereof.

*Operator.* Any person who has charge, care or control of a nonresidential building or structure, or part thereof.

*Owner.* Any person who alone, or jointly, or severally with others:

(1) Shall have title in fee simple to any nonresidential building or structure, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he or she or she were the owner.

*Parties in interest.* All individuals, associations and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

*Premises.* Any lot or parcel of land inclusive of any building or improvements located thereon.

*Safe.* A condition which is not likely to do harm to humans or to real or personal property.

*Structurally sound.* Substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

*Structure.* Anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.

*Unsafe.* A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

*Vacant.* Any building or structure that has not been used for its intended purpose or for any lawful purpose for a period of at least 180 days.

*Vacant industrial warehouse.* Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

*Vacant manufacturing facility.* Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

#### **Sec. 6-164. Maintenance Standards for Nonresidential Buildings and Structures.**

(A) All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety and welfare of occupants or members of the general public.

(B) Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety and welfare for which a public necessity exists for the repair, closing or demolition of the building or structure and must be corrected in accordance with the provisions of this article:

##### **External maintenance standards.**

(A) Exit requirements.

(1) Minimum number of exits shall conform to the requirements of the state building code as applicable.

(2) Every stairway, deck, porch, and balcony, and all appurtenances attached thereto, including without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored and capable of supporting live or dead loads.

(B) Electrical facilities.

(1) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose, unless designed and rated for that purpose.

(2) All switches and receptacles shall be safe.

- (3) There shall be no unsafe wiring.
- (4) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.
- (5) No circuits shall be overloaded.
- (6) Fuses shall be sized correctly and not bridged out.
- (7) All wiring shall be in accordance with the National Electrical Code.

(C) Exterior walls.

- (1) There shall be no unsafe wall conditions such that the plumbline from the top center of studs falls outside the base plate at any point along the wall.
- (2) Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the state building code.
- (3) Studs or other structural members shall be structurally sound and not likely to cause structural weakness in the future.
- (4) There shall be no broken or cracked structural members.
- (5) All siding shall be reasonably weathertight, with no holes or excessive cracks or decayed boards, or siding material.
- (6) There shall be no loose siding.
- (7) There shall be no deterioration because of lack of preventative maintenance consisting of painting, waterproofing and repair.

(D) Roofs.

- (1) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.
- (2) The roof and flashing shall be sound, tight and not have defects which admit water or rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior of the structure. Roof drains, gutters, scuppers, and downspouts shall be maintained in good repair, and free from obstructions. Roof water shall not be discharged in a manner that creates a health or safety hazard.

(E) Porches, vestibules and external covered areas.

- (1) The floor, ceiling, and roof shall be equal to requirements set forth in this article, except sills, joists and floors need not be level if providing drainage of floors; floors need not be weathertight.



- (2) Every stairway, deck, porch and balcony, and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored, and capable of supporting imposed loads.

(F) Windows, where provided, including frames, sash components, and glazing shall be maintained in good condition, with no broken, cracked, or missing glazing.

(G) Property maintenance.

- (1) Building structure. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.
- (2) Open areas. There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health, or because it is overgrown, may provide harborage for criminal activity.
- (3) Infestation. Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.
- (4) Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

#### **Interior maintenance standards.**

In general. The interior of a structure and equipment therein shall be maintained in good order, shall be structurally sound, and be in a sanitary condition. Occupants shall keep that part of the building or structure which they occupy or control in a clean and sanitary condition.

(A) Exit requirements. Minimum number of exits shall conform to the requirements of the state building code as applicable.

(B) Plumbing systems and facilities.

- (1) In general, all fixtures and piping shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects. All plumbing shall be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

- (2) Plumbing fixtures shall have adequate clearance for usage and cleaning.



- (3) Where it is found that a plumbing system in a building or structure creates an unsafe condition that is hazardous to the occupants, or by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation deterioration or damage, or for similar reasons, the code enforcement official shall require the defects to be corrected to eliminate the unsafe condition.

(C) Heating facilities.

- (1) Building shall be weatherproof.
- (2) Heating systems shall be maintained in good order and repair and shall be of sufficient capacity so as to heat all occupied areas in accordance with the state building code.
- (3) All safety controls and all clearances to combustible materials for electrical equipment which produces heat shall be maintained in effective operation.
- (4) Other heating facilities, where provided, shall meet the requirements of the state building code.
- (5) All electric, gas and heating oil heating equipment installed on the property shall be listed by Underwriters' Laboratories, Inc. or American Gas Association and installed in accordance with the provisions of the state building code.
- (6) All mechanical appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (7) All fuel burning equipment or appliances shall be connected to an approved chimney or vent. Fuel burning equipment and appliances labeled for unvented use are an exception to this requirement.
- (8) All required clearances to combustible materials shall be maintained.
- (9) All safety controls for fuel burning equipment shall be maintained in effective operation.

(D) Electrical facilities.

- (1) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose unless designed and rated for that purpose.
- (2) All switches and receptacles shall be safe.
- (3) There shall be no unsafe wiring.
- (4) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.

(5) No circuits shall be overloaded.

(6) Fuses shall be sized correctly and not bridged out.

(7) All wiring shall be in accordance with the National Electrical Code.

(E) Structural standards.

(1) Foundation.

- a. Beneath the building or structure there shall be firm ground, which is reasonably dry, properly drained and no water shall be running under the building or structure.
- b. There shall be sound footings and adequate bearing.
- c. There shall be sound piers and no loose mortar or masonry.
- d. There shall be no piers in which the plumbline from the top center falls outside the middle one-third of the pier base.
- e. There shall be no isolated masonry piers exceeding in height ten times the least dimension of the pier.
- f. There shall be no wood stiff-knee piers.

(2) Floors.

- a. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.
- b. Flooring or floor covering shall be reasonably smooth and not decayed, fire damaged or worn through.
- c. There shall be no loose flooring.
- d. Floors shall be reasonably level.
- e. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.

(3) Interior load bearing walls.

- a. There shall be no unsafe wall conditions such that the plumbline from the top center studs falls outside the base plate at any point along the wall.
- b. Maximum spacing for studding, providing the studs show signs of being weak or overloaded, shall comply with the requirements of the state building code.

- c. Studs or other structural members, including posts and columns, shall be structurally sound and not likely to cause structural weaknesses in the future.
- d. There shall be no broken or cracked structural members.

(4) Interior porches, landings and vestibules.

- a. The floor and ceiling shall be equal to the requirements set forth in this article.
- b. Every stairway, deck, porch and balcony and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition and in good repair.
- c. Any interior porch, landing or vestibule shall be properly anchored and capable of supporting live and dead loads.

**Property maintenance standards.**

(A) Building structure. Storage of combustible materials is prohibited unless the building or structure is designed for that purpose.

(B) Open areas.

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant pools.
- (2) Fences, sheds, signs, outbuildings, and other accessory buildings shall be maintained in a safe and functional condition or removed or demolished.
- (3) Yards, courts, parking lots, and driveways shall be kept clean and free of physical hazards, garbage, junk, junked vehicles, vehicle parts and other similar material.
- (4) There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health, or because it is overgrown, may provide harborage for criminal activity.

(5) There shall be adequate lighting to prevent harborage for criminal activity.

(C) Infestation. Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.

(D) Garbage. There shall be adequate sanitary facilities and methods for the storage, handling and disposal of garbage generated on or by the property.

(E) Storm drainage. Drainage of paved areas, yards, courts and other open areas on the property shall not be discharged in a manner that creates a health or safety hazard.

### **Vacant buildings or structures.**

(A) The interior maintenance standards set forth in this article shall not apply to vacant nonresidential buildings or structures unless one or more of the following serious conditions is present on the property:

- (1) Overall conditions present a serious health or safety hazard.
- (2) The building or structure is a breeding area for rodents or insects.
- (3) The building or structure presents a fire hazard.
- (4) The building or structure is structurally unsafe and presents a threat to the safety of code enforcement personnel, fire department personnel and law enforcement officers or members of the general public.
- (5) The building or structure is frequented by vagrants.
- (6) The building or structure is not properly secured to prevent unauthorized access.

(B) If the code enforcement official orders a nonresidential building or structure vacated and closed pursuant to this article, the owner shall board and secure such building or structure in accordance with the guidelines for boarding and securing a building or structure provided by the code enforcement official.

Any combination of conditions which in the judgment of the Code Enforcement Officer renders any building or structure dangerous or injurious to the health, safety or general welfare of occupants or members of the general public.

### **Sec. 6-165. Duties & Powers of the Code Enforcement Officer.**

(A) The Code Enforcement Officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed.

(B) It shall be the duty of the Code Enforcement Officer:

- (1) To investigate the conditions of nonresidential buildings and structures in the city in order to determine which nonresidential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized, and for the purpose of carrying out the objectives of this article with respect to the nonresidential buildings and structures;
- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this article;

- (3) To administer oaths and affirmations, examine witnesses and receive evidence;
- (4) To enter upon premises for the purpose of making examinations and inspections, provided that the entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession;
- (5) To appoint and fix duties of such officers, agents and employees as the Enforcement Officer deems necessary to carry out the purposes of this article;
- (6) To keep a record of the results of inspections made under this article and an inventory of those nonresidential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this article; and
- (7) To perform such other duties as may be herein prescribed.

**Sec. 6-166. Inspections.**

(A) For the purpose of making inspections, the Code Enforcement Officer is hereby authorized to enter, examine and survey, at all reasonable times, nonresidential buildings and structures, after sufficiently identifying himself.

(B) If entry upon the premises for purposes of investigation is necessary, the entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant or other person legally in possession of the premises.

**Sec. 6-167. Procedure for Enforcement.**

(A) Preliminary investigation. Whenever it appears to the Code Enforcement Officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this article, the Code Enforcement Officer shall undertake a preliminary investigation.

(B) Complaint and hearing. If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the Code Enforcement Officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the Code Enforcement Officer at a place therein fixed, not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Enforcement Officer.



(C) Procedure after hearing, issuance of order.

- (1) If, after notice and hearing, the Code Enforcement Officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this article, the Code Enforcement Officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of the determination.
- (2) If, after notice and hearing, the Code Enforcement Officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, the Code Enforcement Officer shall state, in writing, findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of this article.
- (3) If the Code Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would not exceed 50% of its then current value, then the Code Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by this article; or vacate and close the nonresidential building or structure for any use.
- (4) If the Code Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would exceed 50% of its then current value, then the Code Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article.

(D) Failure to comply with order.

- (1) If the owner fails to comply with an order to either repair, alter or improve the nonresidential building or structure, or vacate and close the nonresidential building or structure, the Code Enforcement Officer shall submit to the City Council an ordinance ordering the Code Enforcement Officer to cause the nonresidential building or structure to be repaired, altered or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. If City Council adopts the ordinance, the Code Enforcement Officer shall cause the building or structure to be vacated and closed for any

use. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The code enforcement official may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

- (2) If the owner fails to comply with an order to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure, the Code Enforcement Officer shall submit to the City Council an ordinance ordering the Code Enforcement Officer to cause the nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the City Council. The property shall be described in the ordinance. If City Council adopts the ordinance, the Code Enforcement Officer shall cause the building or structure to be removed or demolished.

#### **Sec. 6-168. Vacated and Closed Nonresidential Buildings or Structures.**

(A) If the City Council has adopted an ordinance or the Code Enforcement Officer has issued an order requiring the building or structure to be repaired, altered or improved, or vacated and closed, and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, then if the City Council finds that the owner has abandoned the intent and purpose to repair, alter or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety and welfare of the city in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, then City Council may, after the expiration of the two-year period, adopt an ordinance and serve the ordinance on the owner, setting forth the following:

- (1) The ordinance shall require that the owner either demolish and remove the nonresidential building or structure within 90 days, or repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days.
- (2) The ordinance shall require that if the owner does not either demolish and remove the nonresidential building or structure within 90 days, or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days, then the coordinator or officer shall demolish and remove the nonresidential building or structure.



(B) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before City Council may take action under this section.

(C) If the owner fails to comply with the requirements of the ordinance within 90 days, the Code Enforcement Officer shall demolish and remove the nonresidential building or structure.

**Sec. 6-169. Limitations on Orders and Ordinances; Historic Landmark or Historic District.**

Notwithstanding any other provision of this article, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the City Council determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the Code Enforcement Officer pursuant to this article and an ordinance approved by City Council may only require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this article.

**Sec. 6-170. Limitations on Orders and Ordinances; Vacant Manufacturing Facility or Vacant Industrial Warehouse.**

Notwithstanding any other provision of this article, an order issued by the Code Enforcement Officer and an ordinance approved by City Council may not require repairs, alterations or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require the building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

**Sec. 6-171. Methods of Service of Complaints and Orders.**

(A) Complaints or orders issued by the Code Enforcement Officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and the certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(B) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable

diligence, and the Code Enforcement Officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

**Sec. 6-172. Costs, A Lien on Premises.**

(A) As provided by G.S. 160A-439(i), the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Code Enforcement Officer pursuant to the provisions of this article shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(B) If the nonresidential building or structure is removed or demolished by the Code Enforcement Officer, the Code Enforcement Officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited in the Superior Court by the Code Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**Sec. 6-173. Ejectment or Failure of Occupant to Comply with Order to Vacant..**

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Code Enforcement Officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties defendant any person occupying the nonresidential building or structure. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the City Council pursuant to G.S. 160A-493(f) and this article to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this

subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the Code Enforcement Officer to proceed to exercise his or her duties under G.S. 160A-439(f) and this article to vacate and close or remove and demolish the nonresidential building or structure.

#### **Sec. 6-174. Filing of Ordinances.**

An ordinance adopted by City Council pursuant to this article shall be recorded in the office of the Register of Deeds of Beaufort County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-439(f) and (g).

#### **Sec. 6-175. Alternatives Remedies.**

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 9-1-142 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

#### **Sec. 6-176. Board of Adjustment to Hear Appeals.**

(A) All appeals which may be taken from decisions or orders of the Code Enforcement Officer pursuant to this article shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(B) Appeals shall be subject to the following:

- (1) An appeal from any decision or order of the Code Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the Code Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Code Enforcement Officer and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Code Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the Code Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the Code Enforcement Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the Code Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Code Enforcement Officer certifies to the Board, after the notice of appeal is filed, that

by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Code Enforcement Officer, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and this article.

- (2) The Board shall fix a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Code Enforcement Officer, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Code Enforcement Officer. The Board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

(C) Every decision of the Board shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

#### **Sec. 6-177. Temporary Injunction Remedy for an Aggrieved Person.**

Any person aggrieved by an order issued by the Code Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Code Enforcement Officer pending a final disposition of the cause, as provided by G.S. 160A-446(f).

#### **Sec. 6-178. Conflict With Other Provisions.**

In the event any provision, standard, or requirement of this article is found to be in conflict with any other ordinance or code of the city, the provisions which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the city shall prevail.

#### **Sec. 6-179. Violations; Penalty.**

(A) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Code Enforcement Officer duly made and served in accordance with the provisions of this article, within the time specified in the order, and each day that any such failure, neglect or refusal to comply with the order



continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.

(C) In addition to or in lieu of the other remedies provided by this article, any owner of a nonresidential building or structure that fails to comply with an order of the Code Enforcement Officer within the time specified therein, shall be subject to civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.

**New Business  
Rezoning  
William F. Sheppard**

City of Washington  
Department of Planning and Development  
Rezoning Request Application

Page 1: Ownership, Property and Zoning Request Information

Date: 3/7/13 Fee:

**OWNERSHIP INFORMATION**

Applicant Name: WILLIAM F. SHEPPARD

Address: PO Box 1902

Phone No.: 945-1188

Applicant's Legal Interest in the Property:

Owner: WILLIAM F. SHEPPARD, INC

Address: PO Box 1902

Phone No.: 945-1188

Date Property Acquired: 12/31/12 Deed Reference:

**PROPERTY INFORMATION**

Tax Map: see attached Parcel Number: see attached

Area (square feet or acres):

Current Land Use: Vacant

Location of Property: West 10th Street

**ZONING REQUEST INFORMATION**

Existing Zone: RA-20 Requested Zone: B-2

Reason for zoning change and a statement regarding the changing conditions, in the area and in the City, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

The request for a zoning change because at the current zoning classification I am unable to make the highest best use of my property

Continue to Page 2 of the Rezoning Request Application



**City of Washington**  
**Department of Planning and Development**  
**Rezoning Request Application**

**Page 2: Property Owners Within 100 Feet**

**List the adjoining property owners within 100 feet of the property in question. (Note: Where the property is bound by a street, alley, stream, or similar boundary, the land owner across such a boundary shall also be considered an adjoining land owner.)**

**TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS:**

1. Locate the subject property on the map in the City Planning Office and write down the entire parcel number. Be sure to write down the map number, section number, and individual parcel number, in that order (example: 5675-06-3291).
2. Go to the Beaufort County Land Records Office at 220 N. Market Street, show the attendant the parcel number, and ask the attendant to run off a map of the property that shows the adjacent property for at least 100 feet on all sides. The attendant can look up the owners names, parcel numbers, and addresses for the lots within 100 feet of the subject property, or show you how to find the information on the land records computer.  
Note: In the Beaufort County records, the parcel number is called the "alternate parcel number".
3. Write down the name(s) of the owners of each of the adjacent lots within 100 feet, the parcel number of the lot, and the owner's entire address below. If no address is listed, make a note to that effect.

**PLEASE NOTE: ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 100 FEET OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE VOIDED EVEN IF THE BOARD VOTES IN YOUR FAVOR.**

<u>NAME</u>	<u>PARCEL NUMBER</u>	<u>ADDRESS</u>
1. <i>see attached</i>		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

**(USE ADDITIONAL SHEET(S) IF NECESSARY)**

Continue to Page 3 of the Rezoning Request Application

City of Washington  
Department of Planning and Development  
Rezoning Request Application  
Page 3: Legal Description and Owner/Agent Statement

LEGAL DESCRIPTION (Metes and Bounds Description):

To Wit:

Location:

OWNER/AGENT STATEMENT

I, William F. Sheppard, being the Owner or Agent acting on behalf of the owner request that the attached rezoning request of 6 parcels be placed on the agenda of the Planning Board meeting scheduled for 3 / 26 / 13.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief. I authorize the City of Washington to place a sign on the property in question for the purpose of alerting the general public of my request, no less than seven (7) days prior to the meeting.

I understand that failure to address any item in these requirements may result in the rezoning not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Signature:

*William F. Sheppard*

Date:

*3/1/13*

**NOTE:**

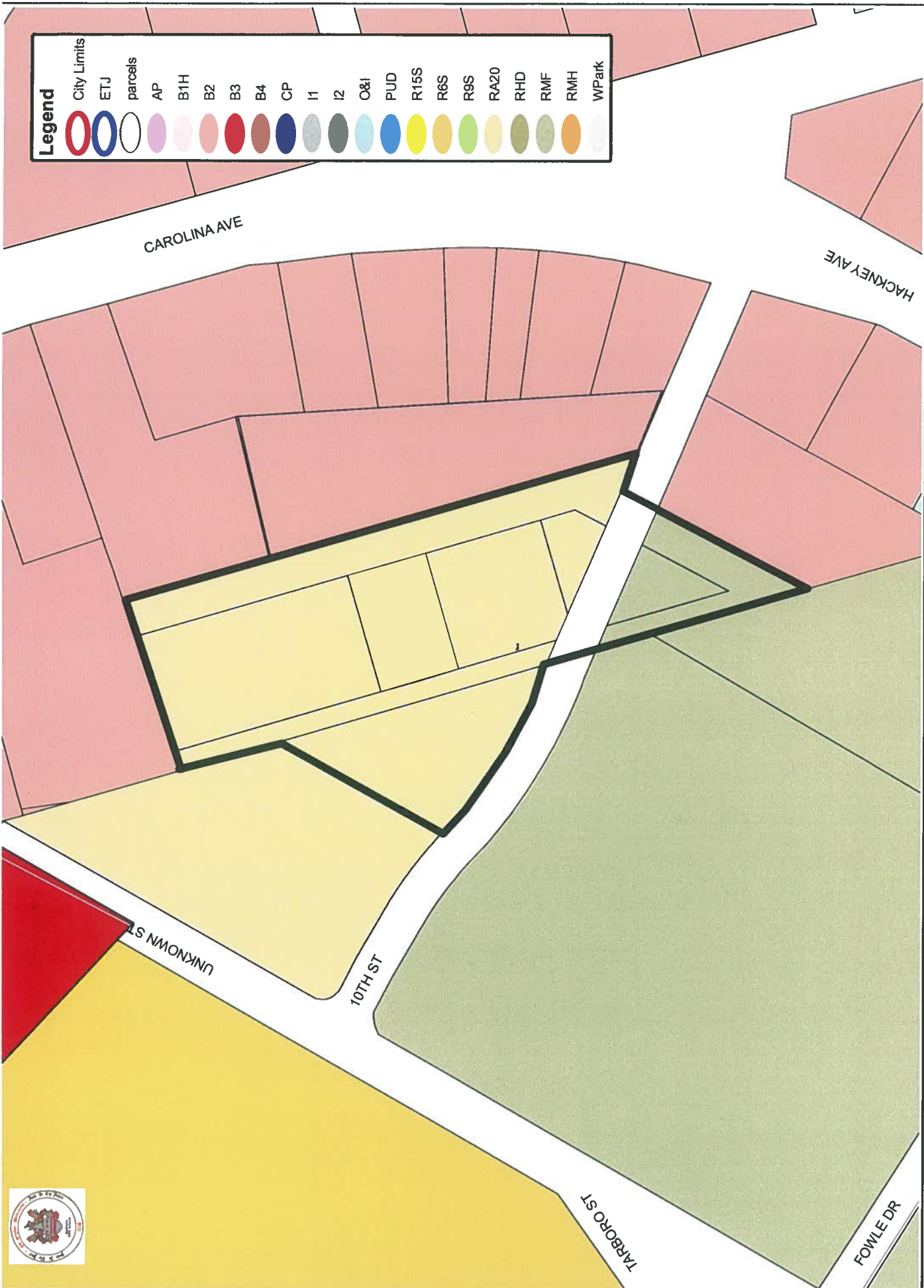
**Agents acting on behalf of property owners must submit a notarized letter from the property owner which gives them authority to act on their behalf.**

**William F. Sheppard  
Rezoning Parcels**

<b>Parcel #</b>	<b>PIN #</b>	<b>Acres</b>
15-003334	5676-63-4153	0.115
15-003335	5676-63-4332	0.344
15-003336	5676-63-4404	0.092
01-002159	5676-63-3653	0.115
01-009609	5676-63-2452	0.230
15-011676	5676-63-4590	<u>0.092</u>
		<b>0.988</b>

THIS MAP IS PREPARED FOR THE INVENTORY OF REAL PROPERTY IN ACCORDANCE WITH N.C. LAND RECORDS TECHNICAL SPECIFICATIONS. BASIC CADASTRAL AND DIGITAL MAPPING SYSTEMS, GRAPHIC ILLUSTRATIONS HEREON ARE COMPILED FROM RECORDED DEEDS, PLATS AND OTHER PUBLIC RECORD RESOURCES. PERSONS ARE HEREBY NOTIFIED TO CONSULT ALL APPLICABLE PUBLIC RECORDS FOR VERIFICATION. BEAUFORT COUNTY AND ITS AGENTS ASSUME NO LEGAL RESPONSIBILITY FOR THE ACCURACY OF INFORMATION DEPICTED ON THIS MAP.

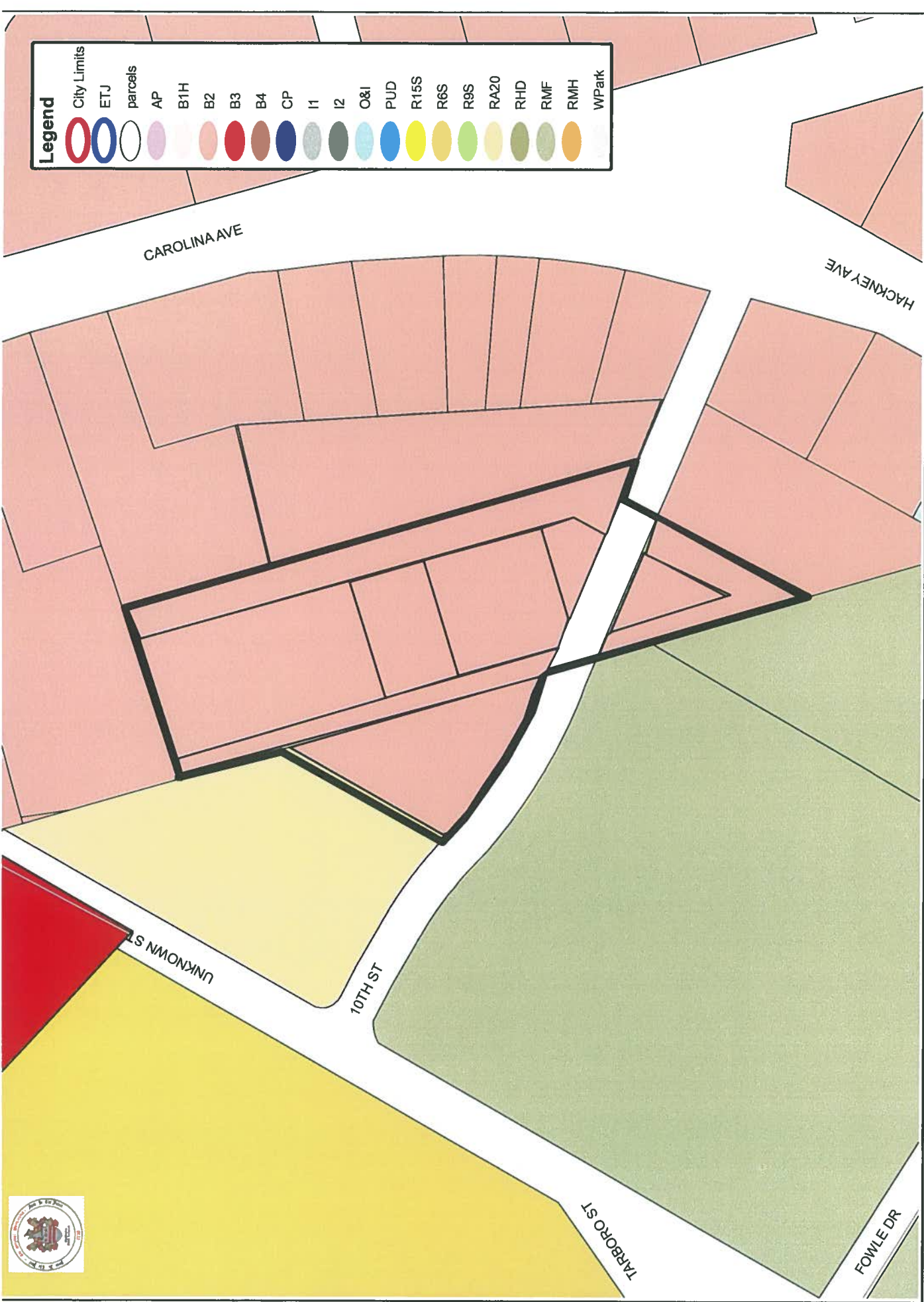
**Online Maps: [www.co.beaufort.nc.us](http://www.co.beaufort.nc.us)**



City of Washington  
ReZoning Map  
William F. Sheppard

1 inch = 160 feet  
 0.000901 Miles  
 0.02





**Legend**

	City Limits		ETJ		parcels
	AP		B1H		B2
	B3		B4		CP
	I1		I2		O&I
	PUD		R15S		R6S
	R9S		RA20		RHD
	RMF		RMH		WPark

CAROLINA AVE

HACKNEY AVE

UNKNOWN ST

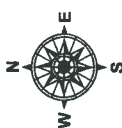
10TH ST

TARBORO ST

FOWLE DR

**City of Washington**  
Proposed Zoning  
William F. Sheppard

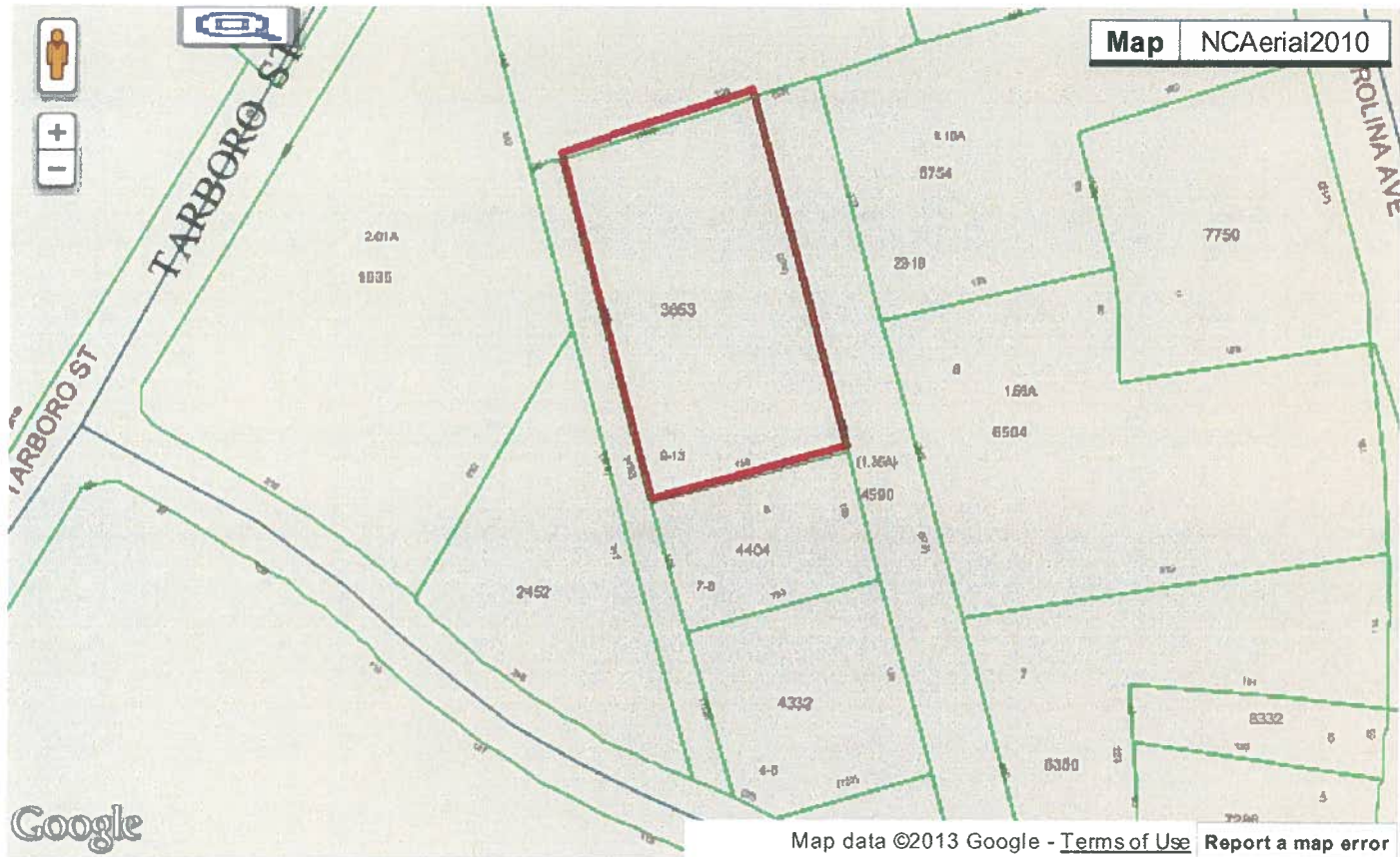
1 inch = 160 feet  
 0 0.0005 0.01 0.02 Miles



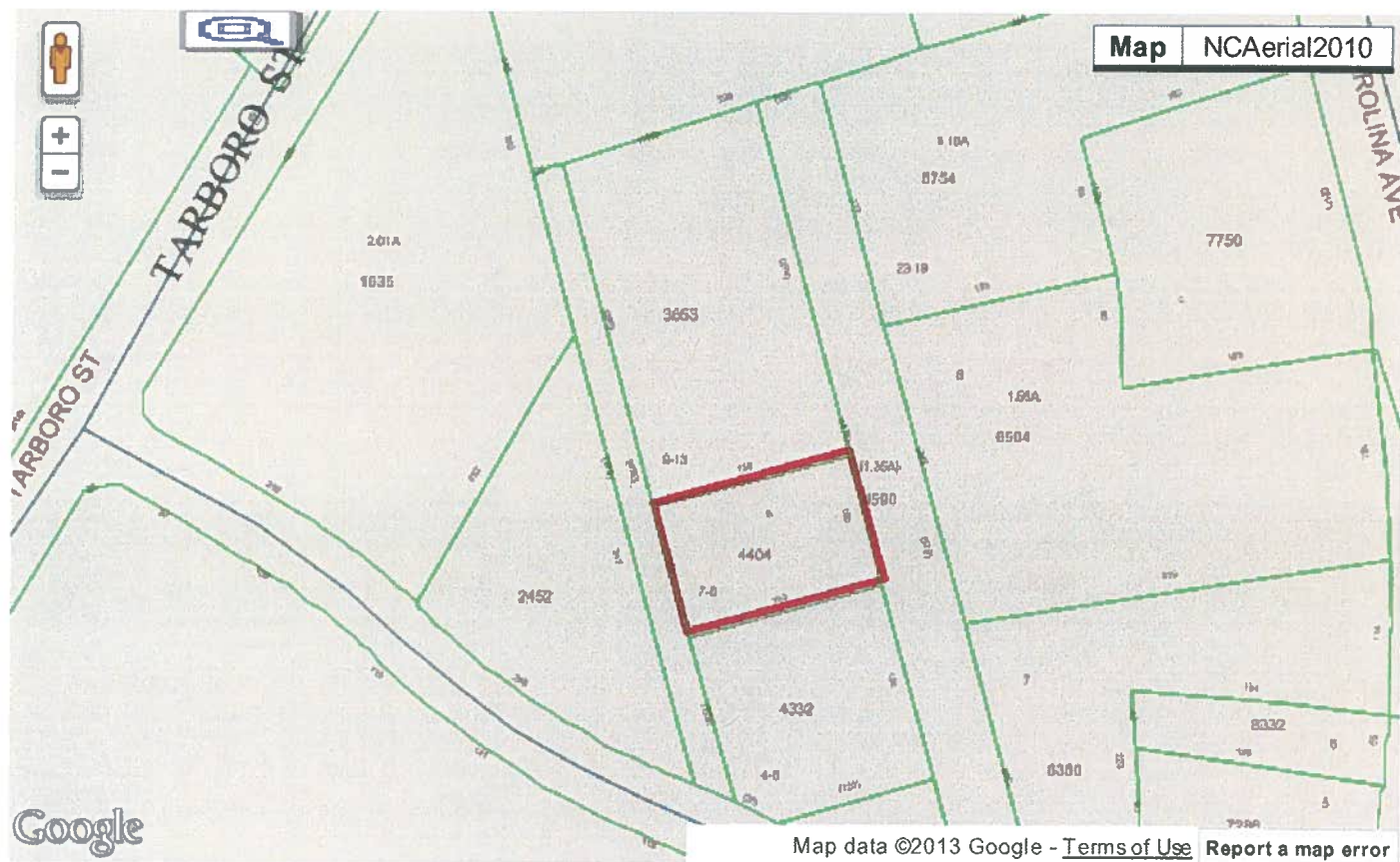


PIN 01009609  
GPIN 5676-63-2452  
GPINLONG 5676-63-2452  
NAME1 WILLIAM F SHEPPARD INC  
NAME2  
ADDR1 PO BOX 1902  
ADDR2  
CITY WASHINGTON  
STATE NC  
ZIP 27889  
PROP\_ROAD 10TH ST  
ACRES 0.0000  
ACCT\_NBR 99823  
MAP\_SHEET 567615  
NBR\_BLDG 0.0000  
DATE 12/31/2012 12:00:00 AM  
DB\_PG 1804/0211  
LAND\_VAL 10000.0000  
BLDG\_VAL 0.0000  
DEFR\_VAL 0.0000  
TOT\_VAL 10000.0000  
NBHD\_CDE A1  
NBHD\_DESC ZONE1 AVERAGE  
SUB\_CDE  
SUB\_DESC  
STAMPS 50.0000  
SALE\_PRICE 25000.0000  
ZONE R9S  
LAND\_USE  
DISTRICT 01  
PROP\_DESC 1 LOT (.7185 AC) TAYLOE/LANDURA CORP  
MBL 56761573  
EXMPT\_PROP  
EXMPT\_AMT 0.0000  
ROAD\_TYPE P



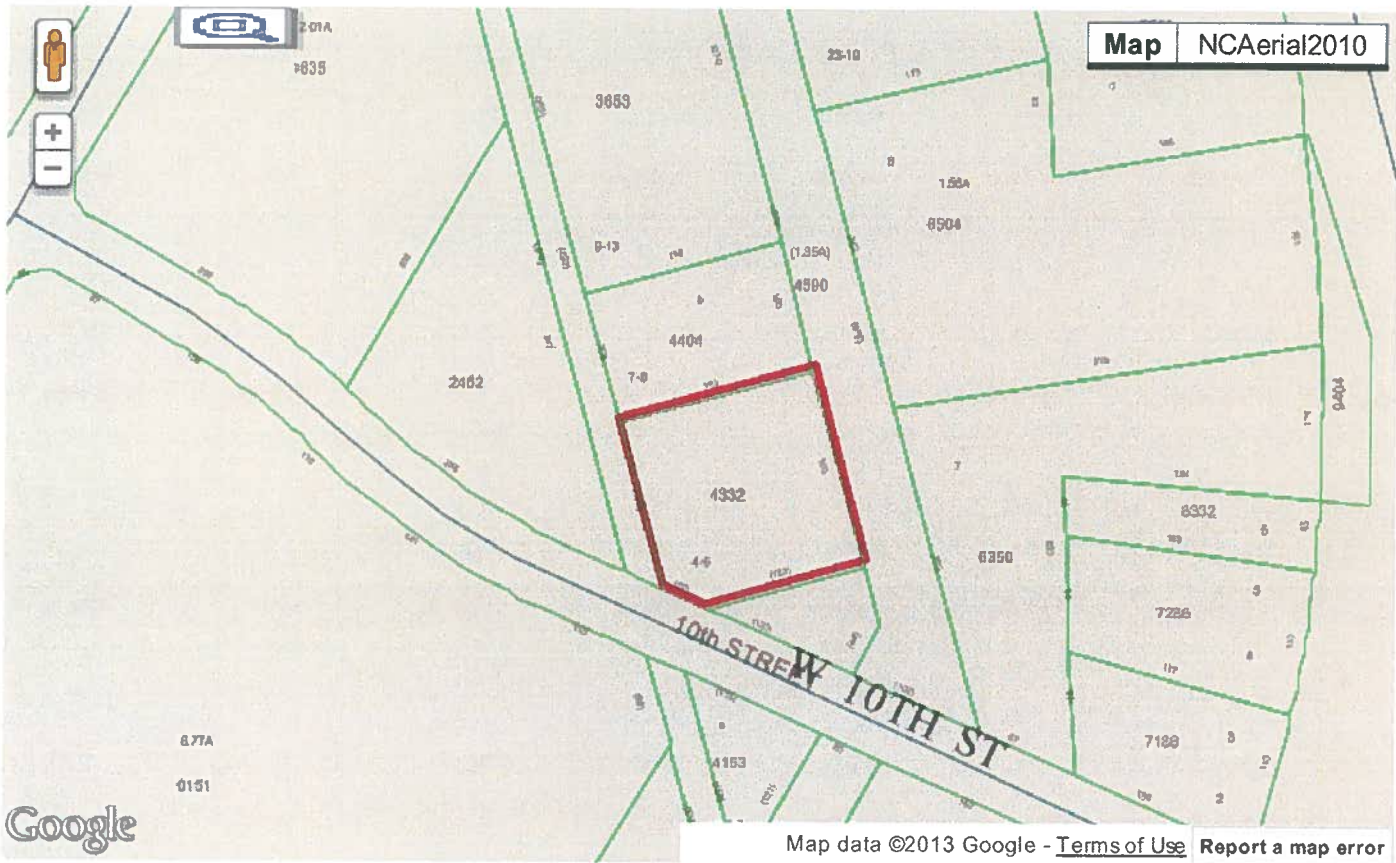


PIN 01002159  
 GPIN 5676-63-3653  
 GPINLONG 5676-63-3653  
 NAME1 WILLIAM F SHEPPARD INC  
 NAME2  
 ADDR1 PO BOX 1902  
 ADDR2  
 CITY WASHINGTON  
 STATE NC  
 ZIP 27889  
 PROP\_ROAD US 17 OFF  
 ACRES 0.0000  
 ACCT\_NBR 99823  
 MAP\_SHEET 567615  
 NBR\_BLDG 0.0000  
 DATE 12/31/2012 12:00:00 AM  
 DB\_PG 1804/0211  
 LAND\_VAL 5000.0000  
 BLDG\_VAL 0.0000  
 DEFR\_VAL 0.0000  
 TOT\_VAL 5000.0000  
 NBHD\_CDE PHIL  
 NBHD\_DESC PHILLIPS FARM  
 SUB\_CDE  
 SUB\_DESC  
 STAMPS 50.0000  
 SALE\_PRICE 25000.0000  
 ZONE R9S  
 LAND\_USE  
 DISTRICT 01  
 PROP\_DESC 5 LOTS #9101112& 13 BLK B PHILLIPS FARM  
 MBL 56761575  
 EXMPT\_PROP  
 EXMPT\_AMT 0.0000  
 ROAD\_TYPE T



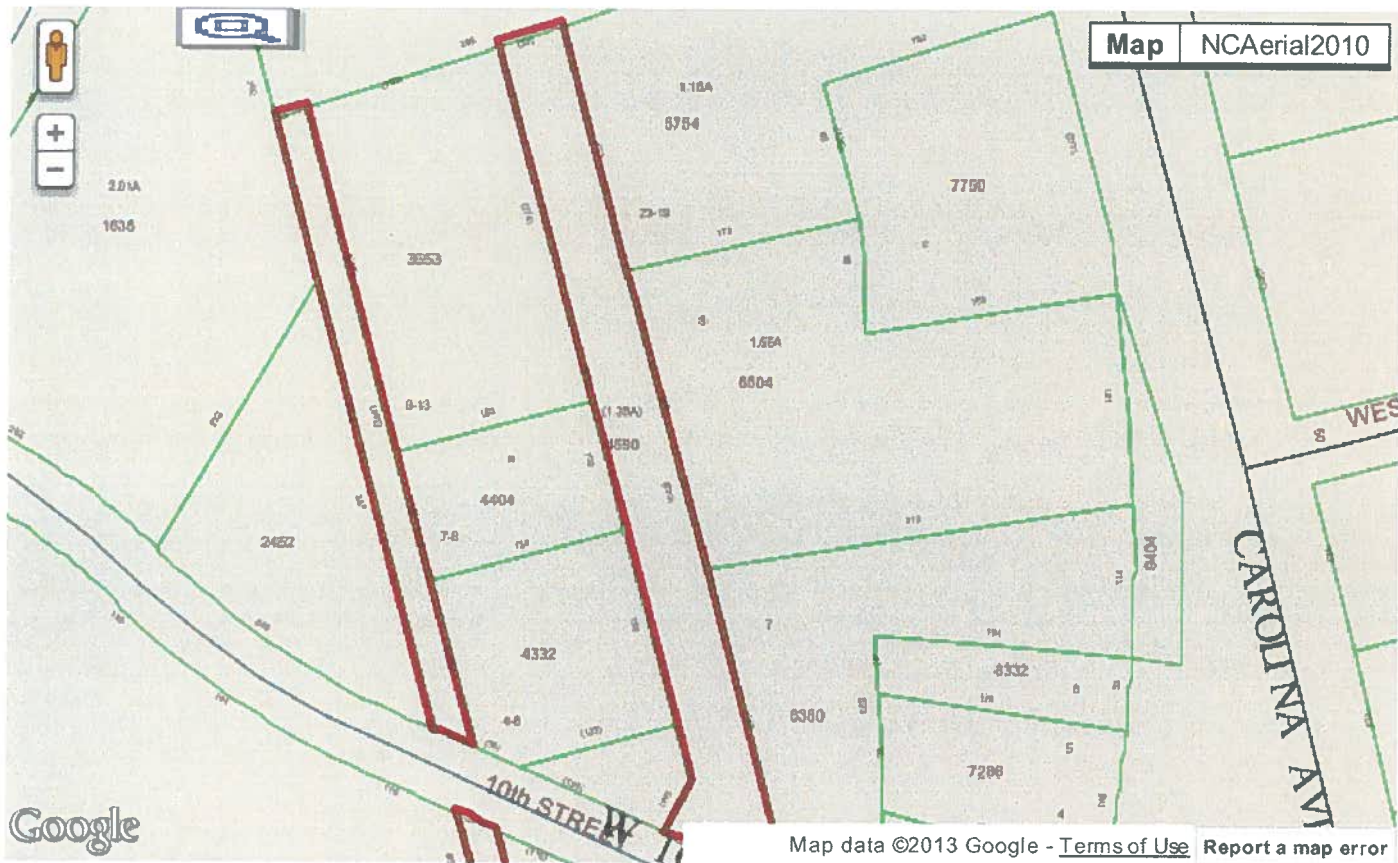
PIN 15003336  
 GPIN 5676-63-4404  
 GPINLONG 5676-63-4404  
 NAME1 WILLIAM F SHEPPARD INC  
 NAME2  
 ADDR1 PO BOX 1902  
 ADDR2  
 CITY WASHINGTON  
 STATE NC  
 ZIP 27889  
 PROP\_ROAD N/S W 10TH ST OFF  
 ACRES 0.0000  
 ACCT\_NBR 99823  
 MAP\_SHEET 567615  
 NBR\_BLDG 0.0000  
 DATE 12/31/2012 12:00:00 AM  
 DB\_PG 1804/0211  
 LAND\_VAL 4000.0000  
 BLDG\_VAL 0.0000  
 DEFR\_VAL 0.0000  
 TOT\_VAL 4000.0000  
 NBHD\_CDE PHIL  
 NBHD\_DESC PHILLIPS FARM  
 SUB\_CDE  
 SUB\_DESC  
 STAMPS 50.0000  
 SALE\_PRICE 25000.0000  
 ZONE R9S  
 LAND\_USE  
 DISTRICT 01  
 PROP\_DESC 2 LOTS #S 7 & 8 BLK B PHILLIPS FARM  
 MBL 56761575  
 EXMPT\_PROP  
 EXMPT\_AMT 0.0000  
 ROAD\_TYPE T

Map data ©2013 Google - [Terms of Use](#) [Report a map error](#)

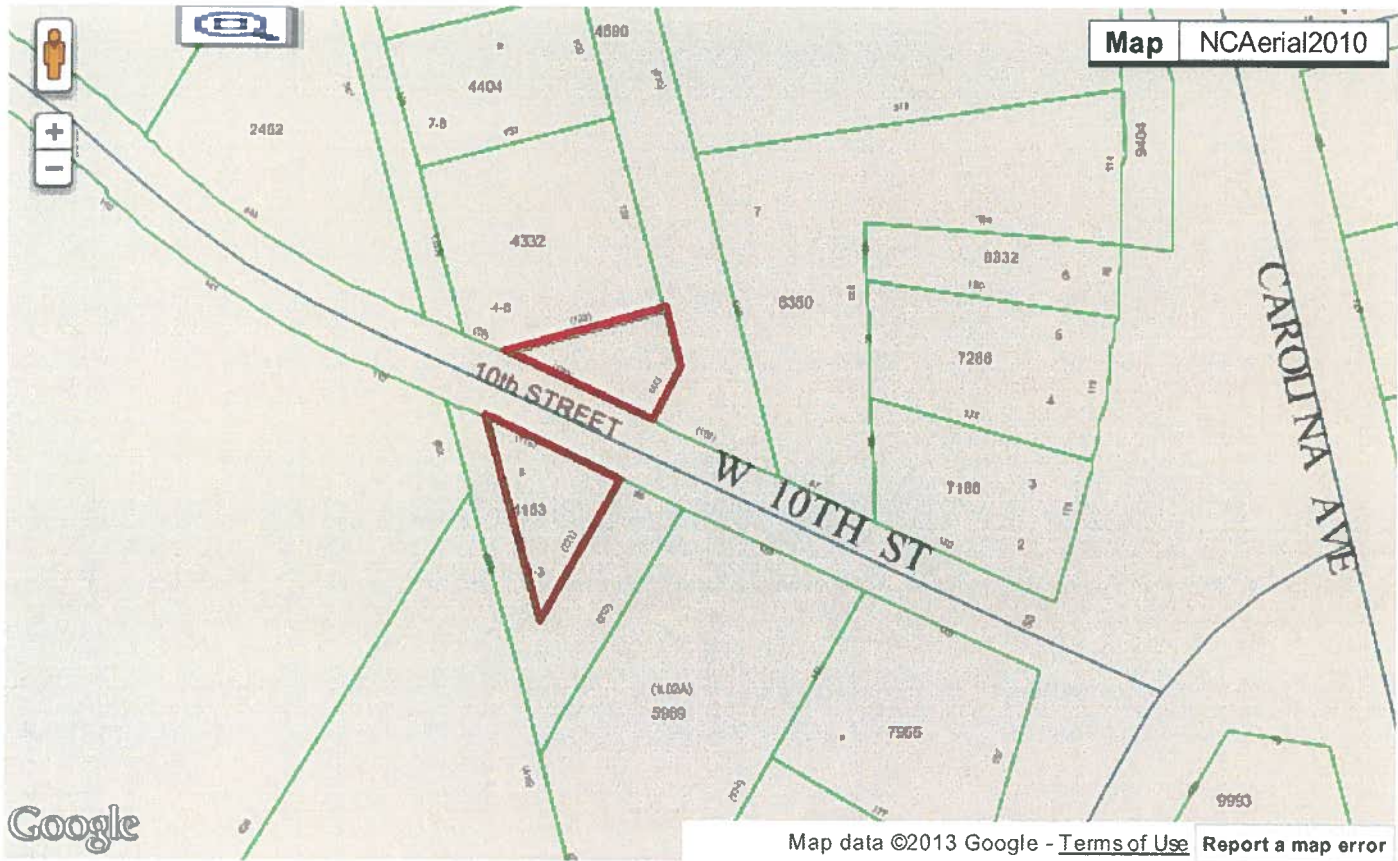


PIN 15003335  
 GPIN 5676-63-4332  
 GPINLONG 5676-63-4332  
 NAME1 WILLIAM F SHEPPARD INC  
 NAME2  
 ADDR1 PO BOX 1902  
 ADDR2  
 CITY WASHINGTON  
 STATE NC  
 ZIP 27889  
 PROP\_ROAD N/S W 10TH ST  
 ACRES 0.0000  
 ACCT\_NBR 99823  
 MAP\_SHEET 567615  
 NBR\_BLDG 0.0000  
 DATE 12/31/2012 12:00:00 AM  
 DB\_PG 1804/0211  
 LAND\_VAL 15000.0000  
 BLDG\_VAL 0.0000  
 DEFR\_VAL 0.0000  
 TOT\_VAL 15000.0000  
 NBHD\_CDE PHIL  
 NBHD\_DESC PHILLIPS FARM  
 SUB\_CDE  
 SUB\_DESC  
 STAMPS 50.0000  
 SALE\_PRICE 25000.0000  
 ZONE R9S  
 LAND\_USE  
 DISTRICT 01  
 PROP\_DESC 3 LOTS #S 4-6 BLK B PHILLIPS FARM  
 MBL 56761575  
 EXMPT\_PROP  
 EXMPT\_AMT 0.0000  
 ROAD\_TYPE P





PIN 15011676  
 GPIN 5676-63-4590  
 GPINLONG 5676-63-4590  
 NAME1 WILLIAM F SHEPPARD INC  
 NAME2  
 ADDR1 PO BOX 1902  
 ADDR2  
 CITY WASHINGTON  
 STATE NC  
 ZIP 27889  
 PROP\_ROAD N & S/SIDE W 10TH ST  
 ACRES 0.0000  
 ACCT\_NBR 99823  
 MAP\_SHEET 567615  
 NBR\_BLDG 0.0000  
 DATE 12/31/2012 12:00:00 AM  
 DB\_PG 1804/0211  
 LAND\_VAL 4000.0000  
 BLDG\_VAL 0.0000  
 DEFR\_VAL 0.0000  
 TOT\_VAL 4000.0000  
 NBHD\_CDE PHIL  
 NBHD\_DESC PHILLIPS FARM  
 SUB\_CDE  
 SUB\_DESC  
 STAMPS 50.0000  
 SALE\_PRICE 25000.0000  
 ZONE R9S  
 LAND\_USE  
 DISTRICT 01  
 PROP\_DESC 1.35 AC OLD GREENVILLE & HURON RDS PHILL  
 MBL 56761575  
 EXMPT\_PROP  
 EXMPT\_AMT 0.0000  
 ROAD\_TYPE P



PIN 15003334  
GPIN 5676-63-4153  
GPINLONG 5676-63-4153  
NAME1 WILLIAM F SHEPPARD INC  
NAME2  
ADDR1 PO BOX 1902  
ADDR2  
CITY WASHINGTON  
STATE NC  
ZIP 27889  
PROP\_ROAD N & S/SIDE W 10TH ST  
ACRES 0.0000  
ACCT\_NBR 99823  
MAP\_SHEET 567615  
NBR\_BLDG 0.0000  
DATE 12/31/2012 12:00:00 AM  
DB\_PG 1804/0211  
LAND\_VAL 5000.0000  
BLDG\_VAL 0.0000  
DEFR\_VAL 0.0000  
TOT\_VAL 5000.0000  
NBHD\_CDE PHIL  
NBHD\_DESC PHILLIPS FARM  
SUB\_CDE  
SUB\_DESC  
STAMPS 50.0000  
SALE\_PRICE 25000.0000  
ZONE RMF  
LAND\_USE  
DISTRICT 01  
PROP\_DESC 3 LOTS #S 1-3 BLK B PHILLIPS FARM  
MBL 56761575  
EXMPT\_PROP  
EXMPT\_AMT 0.0000  
ROAD\_TYPE P

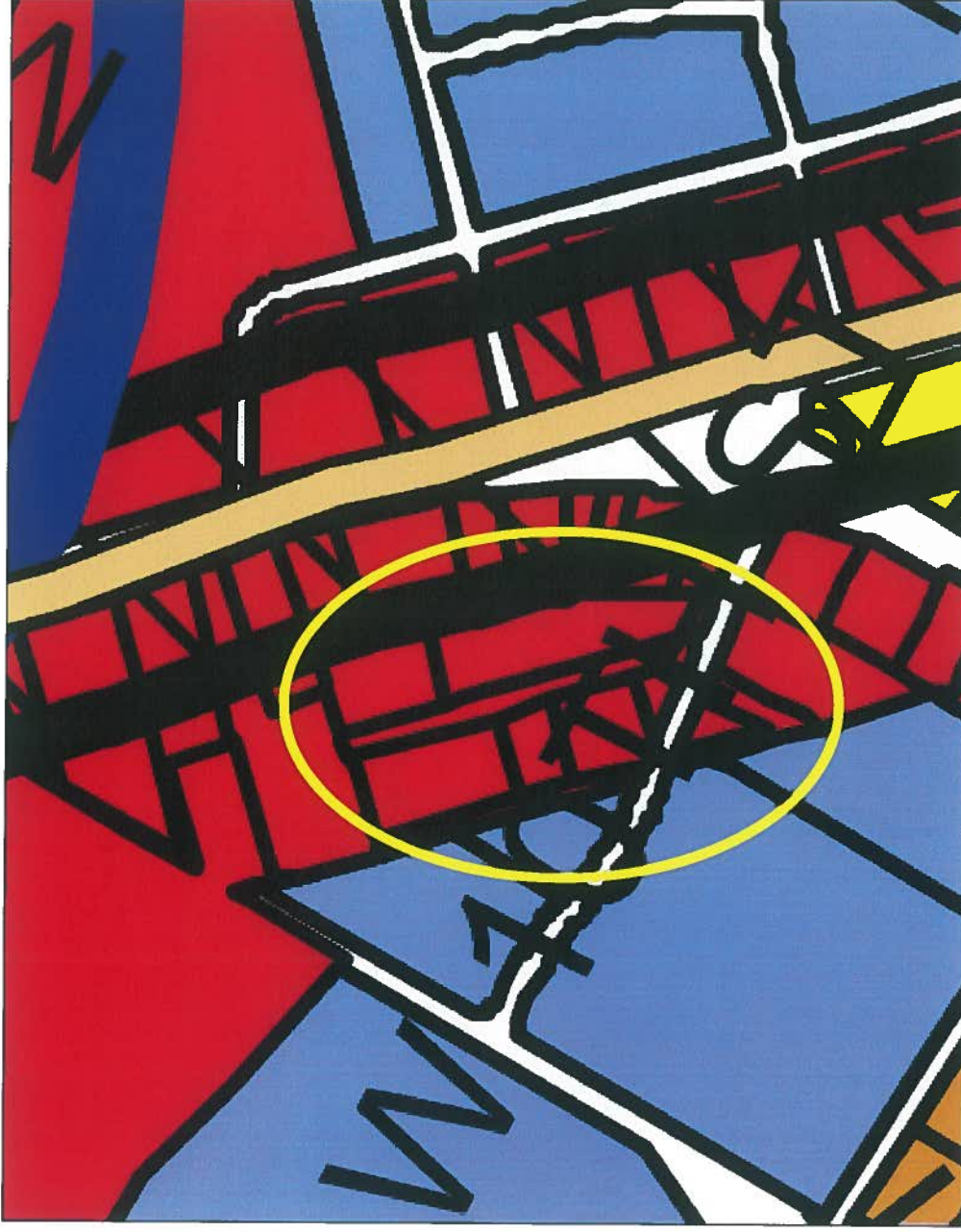
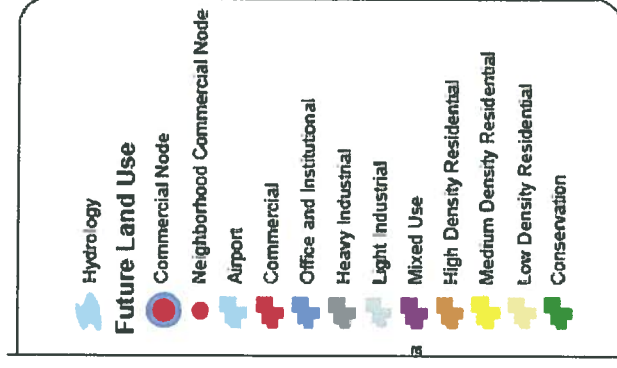
Map data ©2013 Google - [Terms of Use](#) [Report a map error](#)

# Future Land Use Map

## Rezoning

William F. Sheppard

Property Location





**Adjoining Property Owners – William F. Sheppard Rezoning**

Terryl D. Smithwick  
1589 West 5<sup>th</sup> Street  
Washington, NC 27889

New Horizons Apts. LLC  
2021 Cross Beam Drive  
Charlotte, NC 28217

Washington Housing Nonprofit  
PO Box 1046  
Washington, NC 27889

Cook Out Washington  
125N. Ridgewood Ave. Ste 200  
Daytona Beach, FL 32114

Hagan Family Properties  
3968 Dr. Martin Luther King Jr. Blvd  
New Bern, NC 28562

Coastal Yogurt, Inc  
C/o Bobby Whichard  
4475 US Hwy 264 W  
Washington, NC 27889



## WORKSHEET FOR REZONING REQUESTS

Applicant: William F. Sheppard  
Property Location: West 10<sup>th</sup> Street  
Parcel ID: 5676-63-4153, 5676-63-4332, 5676-63-4404,  
5676-63-3653, 5676-63-2452, 5676-63-4590  
Lot Size: 0.988 acres  
Existing Zoning Designation: RA-20 (Residential Agricultural)  
RMF (Residential Multi-Family)  
Proposed Zoning Designation: B-2 (General Business)  
Meeting Date: March 26, 2013

### REASONABLE FINDINGS OF FACT

<b>A. Size of the tract-</b> The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
<b>B. Compatibility with a comprehensive plan-</b> The proposed rezoning is consistent with any comprehensive plan, area plan or elements thereof.	Yes	No
<b>C. Impact-</b> The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
<b>D. Comparison of uses-</b> The allowed uses within the proposed zoning district are similar or compatible to the surrounding area and zoning district.	Yes	No

### \_\_\_\_\_ GRANTING THE REZONING REQUEST

Motion to grant the rezoning request upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

### \_\_\_\_\_ DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- \_\_\_ A. The size of the tract.
- \_\_\_ B. Incompatibility with the comprehensive plan or other adopted plan.
- \_\_\_ C. Impact to surrounding community and immediate neighbors
- \_\_\_ D. Permitted or special uses are not consistent with surrounding uses.

## PLANNING BOARD REPORT – Rezoning – William F. Sheppard

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the City Council within thirty (30) days of referral of the amendment to the Planning Board, or the City Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the City Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the City Council.

### PLANNING BOARD RECOMMENDATIONS

\_\_\_\_\_ **Approval** – the application is consistent with all of the objectives and policies for growth and development contained in the City of Washington Land Use Plan and Comprehensive Plan.

\_\_\_\_\_ **Approval with conditions** – the application is not fully consistent with all the objectives and policies for growth and development of the City of Washington Land Use Plan and Comprehensive Plan, so the following conditions are recommended in order to make it fully consistent:

\_\_\_\_\_ **Denial** – this project or application is not consistent with all the objectives and policies for growth and development of the City of Washington Land Use Plan and Comprehensive Plan.

\_\_\_\_\_ **Continued** – the application as presented requires additional information to be determined by the staff in order for the Planning Board to determine if the project is consistent with all the objectives for growth and development contained in the Washington Land Use Plan and Comprehensive Plan.

This report reflects the recommendation of the Planning Board, this the   26th   day of   March  , 2013.

Attest:

\_\_\_\_\_  
Planning Board Chair

\_\_\_\_\_  
Director, Planning & Development

**New Business  
Text Amendment  
Portable/Off Premise Signs**



# City of Washington

P.O. Box 1988, Washington, NC 27889-1988

---

Planning Department

252-975-9383

## MEMORANDUM

DATE: March 19, 2013

TO: Washington Planning Board

FROM: Glen Moore, Planning Administrator

RE: Temporary Signs

We have received a request to update/modify the City's temporary sign section (40-407) of the zoning ordinance. Enclosed in your agenda is a copy of the current regulations. At the meeting we will discuss if any possible updates or changes are needed.

Please feel free to contact me if you have any questions.

Cc: Mr. John Rodman, Director, Planning and Development

**Section 40-407. Temporary Signs, Permit Exemptions and Additional Regulations.**

- (a) The following temporary signs are permitted without a sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Article except those contained in Section 40-410, Total Allowable Sign Surface Area, and Section 40-413, Number of Freestanding and Wall Signs:
  - (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area and having a street frontage of more than four hundred (400) feet, a single sign not exceeding thirty-two (32) square feet in area may be erected on each street frontage.
  - (2) Construction site/opening soon identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding source, and may contain related information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final certificate of occupancy. One (1) "opening soon" sign may be permitted per building site provided such sign does not exceed thirty-two (32) square feet in area and is erected for a period not to exceed sixty (60) days.
  - (3) Signs attached temporarily to the interior of a building window or glass door. Such sign, individually or collectively, may not cover more than seventy-five (75) percent of the surface area of the transparent portion of the window or door to which they are attached. In the B1H and RHD districts, signs placed in windows, from the interior, shall occupy no more than twenty (20) percent of the area of the displaying window. Such signs shall be removed within thirty (30) days after placement.
  - (4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.

- (5) Signs advertising upcoming theatrical events or concerts are permitted and may displayed no more than thirty (30) days before the event and will be removed with five (5) days after the event. These signs will not exceed six (6) square feet in size.
- (b) Other temporary signs not listed in subsection (a) above shall be regarded and treated in all respects as permanent signs.

**Section 40-408. Determining the Number of Signs.**

- (a) For the purpose of determining the number of signs, a sign shall be considered to be single display surface or display device containing elements organized, related, and composed to from a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- (b) Without limiting the generality of subsection (a) above, a multi-sided sign shall be regarded as one (1) sign.

**Section 40-409. Computation of Sign Area.**

- (a) For the purpose of this ordinance, the area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used.
- (b) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than one and a half (1.5) feet from one another. The area of the sign shall be taken as the area of the larger face if the (2) faces are of unequal area; if the areas of the two faces are equal, then the area of one of the faces shall be taken as the area of the sign.



#### **Section 40-415. Special Provisions for Certain Signs.**

- (a) Subdivision entrance, subdivision directory, and multi-family development entrance signs. At any entrance to a subdivision or multifamily development, there may be not more than one (1) sign identifying such subdivision or development. A single side of any such sign may not exceed thirty-two (32) square feet. In cases where such signs are mounted on decorative functional or nonfunctional walls, the wall area shall not be utilized to calculate total sign surface area. No subdivision directory sign shall be located on any major or minor thoroughfare as shown on the City of Washington Thoroughfare Plan. Such signage shall be allowed in addition to the maximum sign allowance for the lot on which such signage is located.
- (b) Grand opening/Going out of business signs. No such sign shall be displayed for more than ten (10) days. No maximum sign surface area requirement shall be established for such signs. Such signs shall be exempt from the provisions of Section 40-417.
- (c) Directory signs. Such signs may be allowed provided they do not exceed twenty (20) square feet in display area, six (6) feet in height, and are located no closer than ten (10) feet from the property line. There shall be no more than two (2) directory signs on any lot. Such signs shall contain no commercial advertisement. Such signage shall be allowed in addition to the maximum sign allowance for the lot on which such signage is located.
- (d) Restaurant Menu reader boards. Restaurant menu reader boards not to exceed twenty (20) square feet in area or six (6) feet in height. Such displays shall be set back not less than twenty (20) feet from any property line. One (1) menu reader board shall be allowed per each drive-through facility, and such display shall contain no commercial advertisement that can be viewed from any adjacent street right-of-way or property line. Such signage shall not be included in the calculation of or count toward the total allowable sign surface area.
- (e) Home Occupation Signs. Signs displayed in connection with an approved home occupation shall not exceed two (2) square feet in total sign surface area.
- (f) Banners. A series of banners along the frontage of the B2 (General Business District), I1 (Heavy Industrial District), and the I2 (Light Industrial District) are permitted subject to the following development standards:

- (1) The spacing between the centerline of each banner shall be a minimum of twenty (20) linear feet installed along the front property line.
  - (2) The maximum height of each banner shall not exceed fifteen (15) feet.
  - (3) The maximum size of each banner shall be four (4) feet wide by eight (8) feet long.
  - (4) The outer edge of the banner when fully extended shall not project over any street right of way or easement.
  - (5) No advertisement or wording is allowed on any banner.
  - (6) When a banner becomes faded and torn it is the responsibility of the owner to replace the banner in a systematic manner.
- (g) Portable, on-premise signs are allowed in the B1H District and may be placed in front of each business entrance so as not to obstruct any sidewalk area or public right of way. A single side of a portable, on-premise sign shall not exceed eight (8) square feet in area, and shall be removed at the close of the working day.
- (h) Temporary non-profit and governmental organization signs. Temporary sign(s), including banners, erected in conjunction with a special event sponsored and conducted by a nonprofit or governmental organization shall be allowed subject to all of the following conditions:
- (1) It is the intention of this section that no such sign shall be displayed in conjunction with a commercial promotion or as an advertising device for a commercial establishment, product or service.
  - (2) Not more than one (1) on-premises and six (6) off-premises signs shall be allowed in conjunction with any event. No sign shall be erected on any lot without the consent of the property owner.
  - (3) No such sign shall exceed thirty two (32) square feet of sign surface area.
  - (4) There shall be not more than one (1) special event sign allowed on any lot.

- (5) The maximum frequency of any special event display shall not exceed two (2) occurrences within any twelve month period and the maximum duration of such display shall not exceed thirty (30) days. Each sign shall be removed within seven (7) days following the event. For purposes of this section the duration of each separate event display shall be measured in continuous days.
- (6) Each display shall contain the name and current phone number of the event sponsor printed on the non-communication side/surface of the sign.
- (7) Such sign shall be located completely on private property. No portion of the sign or its support structure shall be located on or across any public street right-of-way or private street easement. (Exception: A suspended banner shall be allowed above West Main Street at the intersection of Van Norden Street. Any variation from the allowable square footage at this location shall be approved by the Planning and Development Department.)
- (8) Such sign shall not be located within any sight distance triangle as defined in the Washington City Code or as provided by notation or description upon any map recorded pursuant to the subdivision regulations.
- (9) No such sign shall be suspended from or attached to any public utility pole, apparatus, structure or support/guy wire, any public or private traffic control or directional sign, structure or device, or any tree or shrub located on public or private property.
- (10) No such sign shall be erected or maintained which obstructs any traffic control sign or device or warning sign located on public or private property.
- (i) Static light emitting diode (LED) fuel price signs. Gas stations shall be permitted one freestanding sign which may include a maximum of three fuel rate/price signs. The dimensions of each of the fuel rate/price signs shall not exceed eight (8) square feet each. Such a sign shall state the fuel price completely when displayed and can use either changeable copy or LED methods to display the fuel price. The static LED sign is for fuel pricing purposes only. Such fuel signs shall not display messages and shall display numerals only.

## **Section 40-417. Miscellaneous Restrictions and Prohibitions.**

- (a) No temporary nor permanent sign shall be attached to a tree or to a City utility pole, except that political signs may be posted in accordance with Section 32-10 of the Washington City Code. No temporary nor permanent sign shall be placed on any public street right-of-way, except that political signs may be posted in the right-of-way in accordance with Section 32-10 of the Washington City Code and signs attached to a structural element of a building may be erected in the right-of-way in accordance with Section 40-414(d) above.
- (b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- (c) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the preceding, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that move only occasionally because of wind are allowed if their movement is not a primary design feature of the sign and is not intended to attract attention to the sign. The restrictions of this subsection shall not apply to signs specified in Section 40-406(d) or to signs indicating the time, date, and weather conditions.
- (d) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by units of government.
- (e) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injuries to persons or property, in conformity with the North Carolina State Building Code.
- (f) Canopy signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed six (6) square feet in area and are located at least eight (8) feet above the sidewalk.
- (g) The sign area of a sign permanently painted, affixed, or placed in a building window which is visible from a street right-of way shall be restricted to no more than forty (40) percent of the total window area. In the B1H and RHD districts, signs painted on storefront windows shall take up no more than ten (10) percent of the window and signs placed in windows, from the interior, shall occupy no more than twenty

(20) percent of the area of the displaying window. The sign area of such signs shall not be included in the total sign surface area established in accordance with the provisions of Section 40-410.

- (h) Off premises signs are not permitted except for those signs specifically exempt from regulation in accordance with Section 40-406.
- (i) All temporary or portable signs, as defined in Section 40-403, except for those specifically exempted in Section 40-406 and Section 40-407 or those specifically allowed in Section 40-415(g) are not permitted.

# Minutes

## January 22, 2013



**WASHINGTON PLANNING BOARD**  
**Regularly Scheduled Meeting- Minutes**  
**Tuesday, January 22, 2013**  
**7:00 PM**

**Members Present**

Bob Henkel     Jane Alligood  
Steve Moler     Dot Moate (Chairman)  
John Tate III     Marie Barber  
Dan McNeil

**Members Absent**

All members present

**Others Present**

Glen Moore, Planning Administrator

---

**I.        Opening of the meeting**

The Chairman called the meeting to order.

**II.        Invocation**

Jane Alligood led in prayer.

**III.       Roll Call**

A silent roll call was taken by staff.

**IV.       Old Business**

**1. Draft Land Use Plan Revisions**

Glen Moore came forward and presented the revisions to the board. The Board along with Mr. Moore went through the plan with the board giving their recommendations and corrections.

John Tate made a motion to recommend approval of the 2020 plan, as it will be complied by the Planning Department, to the City Council at their next meeting. His motion was seconded by Dan McNeil. All voted in favor and the motion carried.

**V.        New Business**

**1. None**

**VI. Other Business**

**1. Unified Development Ordinance**

This item was moved to the next meeting.

**VII. Approval of minutes – September 25, 2012**

Jane Alligood made a motion to approve the minutes of September. Her motion was seconded by Steve Moler. All voted in favor and the September minutes were approved.

**VIII. Adjourn**

There being no other business the meeting was adjourned.